

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE: FELIX PEREZ BADILLO & MARIA RODRIGUEZ RODRIGUEZ SSN 0009 & SSN 5808 Debtors	CASE NO. 21-02384 MCF CHAPTER 13 <i>Proof of Claim #1 Cooperativa A/C Manatí Response to Debtor's Objection to Claim#1 doc #23</i>
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DEBTOR MOTION TO STRIKE & DISALLOW MANATI's RESPONSE at doc #23

TO THE HONORABLE COURT:

COME NOW the debtors through their legal representation and respectfully move for the disallowance of doc #23 and disallowance of Claim #1 as objected:

1. Cooperativa A/C Manati [Cooperativa] filed *Objection to Confirmation & Answer to Objection to Claim #1* at doc #23 on October 27, 2021 in response to debtor's *Objection to Claim #1* filed at doc #18.
2. At virtual entry #24 dated October 28, 2021, Cooperativa was instructed in a Notice of Corrective Entry that the "*pleading is requesting more than one remedy (separate events must be used). Party must refile correctly.*"
3. To date 20 days have elapsed since the defective filing and no correction has been made thereto by Cooperativa.
4. Both remedies should be denied as the same have not been timely corrected and/or separated as instructed 20 days ago.
5. LBR 3007-1 requires a timely written response to an *Objection to Claim*, which, for all purposes in this case, has not been timely filed by objected Claimant.
6. There being no timely written response to the *Objection to Claim #1*, the same should be allowed at \$20,256.28 plus a *Till* rate of interest since petition date of 4.75%, or \$22,796.40 as proposed in the Amended Plan dated October 18, 2021 filed at doc #20.
7. The *Objection to Confirmation* should likewise be disallowed.

WHEREFORE, Debtor respectfully requests that their *Objection to Claim #1* be granted and that claim #1 filed by Cooperativa A/C Manatí be disallowed to the extent that it claims unmatured interest not payable under §502(b)(2) of the Bankruptcy Code. Amount to be allowed is \$20,256.28 the accepted balance of claim at petition date as per Manati's internal records at Exhibit #18-3, plus a

Till rate of interest of 4.75%, for a total of \$22,796.40 to be paid to Claimant Cooperativa A/C Manatí, as proposed in the *Amended Plan* dated October 18, 2021 filed at doc #20.

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF electronic noticing system that will send notifications, upon information and belief, of such filing to the Chapter 13 Trustee, the U.S. Trustee and to counsel for Claimant Cooperativa A/C Manatí, Ms. Mireya Baltazar, Esq.

In Hatillo Puerto Rico this November 17, 2021.

	<i>s/Melissa Cofán Hernández</i> Melissa Cofán Hernández USDC PR #224206 PO BOX 944 Dorado Puerto Rico 00646 Tel: (787)640-6882 melissacofan@yahoo.com
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Label Matrix for local noticing
0104-3
Case 21-02384-MCF13
District of Puerto Rico
Old San Juan
Tue Sep 7 10:24:22 AST 2021

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

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(d)Coop A/C Manati
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End of Label Matrix
Mailable recipients 15
Bypassed recipients 0
Total 15